



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,161	10/11/2000	Thomas Ralph Edward Greenwell	ORII2 001 APC	2199
20995	7590	03/16/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EL HADY, NABIL M	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/673,161

Applicant(s)GREENWELL, THOMAS RALPH
EDWARD**Examiner**

Nabil M. El-Hady

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 24-29 and 53-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 24-29 and 53-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2152

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/17/2005 has been entered.
2. Claims 1-67 are pending in this application. Claims 1-23 and 30-52 are canceled. Claims 53-67 are new. Claims 24-29 and 53-67 are presented for examination.
3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (e.g. page 8, line 22). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
4. Claim 67 is objected to because of the following: the claim depends on cancelled claim (claim 1). As claim 67 is referring to a device, it is supposed to depend on claim 53. Appropriate correction is required.
5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 56 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2152

The following phrase is not clearly understood, rendering the corresponding claim vague or indefinite:

a) "any message type that has one or more generic attributes", claim 56, line 3. It is unclear what is included or excluded in the claim specifically when any type of message would certainly have at least one of the claimed generic attributes discloses in claim 53.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Monaghan et al. (Universal fax and E-mail, July 1997), hereinafter "Monaghan".

6. As to claim 24, Monaghan discloses the invention as claimed including a method of manipulating electronically generated messages belonging to at least two of the following messages types: e-mail, fax, video, pager, SMS, voice mail ; comprising handling the electronically generated messages using a single messaging application, wherein said single messaging application is run by the same device on which the messages are displayed (page 5, 3rd – 6th paragraph).

Art Unit: 2152

9. Claim 24 is further rejected under 35 U.S.C. 102 (b) as being anticipated by Hurwicz (The Universal Inbox, Get all your e-mail, faxed, and phone messages with a single interface), September 1997.

6. As to claim 24, Hurwicz discloses the invention as claimed including a method of manipulating electronically generated messages belonging to at least two of the following messages types: e-mail, fax, video, pager, SMS, voice mail ; comprising handling the electronically generated messages using a single messaging application, wherein said single messaging application is run by the same device on which the messages are displayed (page 1, 2nd paragraph, page 2, 2nd paragraph and 4th paragraph).

10. Claim 24 is further rejected and claims 25-26, 53, 56, and 67 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tunncliffe (US 6,055,240).

6. As to claim 24, Tunncliffe discloses the invention including a method of manipulating electronically generated messages belonging to at least two of the following messages types: e-mail, fax, video, pager, SMS, voice mail ; comprising handling the electronically generated messages using a single messaging application, wherein said single messaging application is run by the same device on which the messages are displayed (abstract; col. 3, lines 3-14; and col. 4, line 55 to col. 5, line 25)

Art Unit: 2152

7. As to claim 25, Tunncliffe discloses the single messaging application handles attributes of messages, these attributes being shared by all of the message types (col. 6, lines 25-53)

8. As to claim 26, Tunncliffe discloses the single messaging application invokes or applies operations to the attributes of the messages, these operations being applicable to all the message types which are capable of being manipulated by the single messaging application (col. 6, lines 54 to col. 7, line 14).

11. As to claim 53, Tunncliffe discloses an electronic communications device comprising a user interface able to display electronically generated messages to an end-user (Fig. 1); and a single messaging application running locally on the device (Fig. 1; and col. 4, lines 55-56), the messaging application programmed to handle attributes shared by electronically generated messages of several different messages types (col. 6, lines 25-53); wherein: (i) the different message types include two or more of: e-mail, fax, video, pager, SMS (short message service), voice mail, music files, video clips (col. 5, lines 20-25) and (ii) the attributes are generic attributes shared by the different message types and are selected from the list: subject/description, date, size, message type, body text, originator, first recipient, priority, attachment flag (col. 6, lines 25-53).

12. As to claim 56, Tunncliffe discloses the message types are selected from the following list: e-mail, fax, video, pager, SMS (short message service), voice mail, music files, video clips and any message type that has one or more generic attributes (col. 5, lines 20-25).

Art Unit: 2152

13. As to claim 67, Tunncliffe discloses the device being a handheld wireless communications device (col. 5, line 40; and col. 8, lines 1-4).

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 27-29 and 59, 60,63, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tunncliffe in view of Dasgupta et al. (WO 98/49631), hereinafter "Dasgupta".

16. Dasgupta is cited by the applicant in IDS paper filed 1/16/2001.

9. As to claims 27 and 28, Tunncliffe does not disclose loadable software code modules relating to at least one of message type specific attributes and operations, and a new messaging type can be dynamically added to a system whilst the system is fully operational by adding new loadable software code modules to one or more databases. Dasgupta, however, discloses the concept of plug-in software code modules relating to message type specific attributes, and dynamically adding new plug-in software code module as needed (page 3, lines 10-22). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Tunncliffe and Dasgupta because the concept of loading software code modules to the user as needed and as disclosed by Dasgupta would enhance the

Art Unit: 2152

functionality of Tunncliffe's system allowing it provide or select an asset when needed and giving it the ability to interact with any new type of messaging.

11. As per claim 29, the claim is rejected for the same reasons as claims 27 and 28 above. In addition, while disclosing that the user may configure the agent 3 according to his or her own preferences, which can affect the user interface, Tunncliffe does not explicitly disclose a user interface code is accessed through a database using loadable software code modules. Dasgupta, however, discloses the concept of using plug-in software code modules. It would have been obvious to one skilled in the art at the time of the invention to use the same concept to access a user interface software code module to configure the user interface as needed by the user.

17. As to claims 59, 60, 63, and 64, the claims are rejected for the same reasons as claims 53, 27-29 above.

18. Claims 54, 55, 57, 58, 61, 62, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Hurwicz.

19. As to claim 54, Tunncliffe does not explicitly disclose said user interface can display all incoming messages of any of the different message types in a single in-box window. However, the concept of a single in-box window is not new in the art. Hurwicz, for example discloses the concept of using a single in-box window to display all incoming messages of any of the different message types (page 1, 2nd paragraph). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Tunncliffe and Hurwicz and use the

Art Unit: 2152

concept of a single in-box window motivated by Hurwicz's disclosure (to users assaulted from all sides by messages, a "universal inbox" sounds like a life-saver).

20. As to claims 55, 57, 58, the claims are rejected for the same reason as claim 54 above. In addition, Hurwicz discloses the single messaging application is further programmed to enable an end-user to manipulate the messages of different messages types from within the single mailbox window, the manipulation comprising an act selected from the list: create, edit, display, send, receive, copy, move, delete, and print, or a combination thereof (2nd paragraph). It would have been obvious to one skilled in the art at the time of the invention that a single in-box window would allow a user to manipulate the window content with most of the regular functions that are allowed in a conventional window with well known application running on the device and that are separate from any operations that are specific to a given message type.

21. As to claims 61 and 65, the claims are rejected for the same reasons as claims 53, 59, 60, and 53, 63, 64 above. In addition, reporting to the messaging application the functional capabilities of one or more loadable software code modules; and supplying text for on-screen menus is inherent in invoking the software code modules, and ; creating, and/or editing and/or displaying messages; converting messages to be sent by the application to a protocol and format required by an external recipient and the conversion of messages received by the application to a protocol and format required by the messaging application is the function of the personal message management system disclosed by Tunnicliffe (col. 5, lines 20-26).

22. As to claims 62 and 66, Tunnicliffe discloses the loadable software code is object-oriented code which creates real objects to execute a task (col. 1, line 65 to col. 2, line 52).

Art Unit: 2152

23. Applicant's arguments with respect to claims 24-29 and 53-67 have been considered but are moot in view of the new ground(s) of rejection.

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

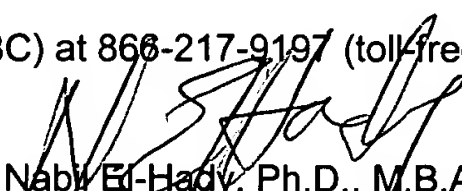
Srinivasan (US 6,072,862); Friedlander et al. (US 6,122,363); Hoss et al. (US 5,951,638); Picard et al. (US 6,233,318); Cohen et al. (US 4,837,798); and O'Neal (US 6,711,154).

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 14, 2006


Nabil El-Hady, Ph.D., M.B.A.
Primary Examiner
Art Unit 2152